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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

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11 ARJUN VASAN,
12 Plaintiff and Counter-Defendant,
13 v.
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15 CHECKMATE.COM, INC.,
16 Defendant and Counterclaimant.

Case No.: 2:25-cv-00765-MEMF-JPR

**MEMORANDUM IN REPLY TO
DEFENDANT'S 6(b)(1)(B) REQUEST FOR
AN EXTENSION OF TIME**

Complaint filed: January 28, 2025

Hearing Date: October 9, 2025

Hearing Time: 10 a.m.

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19 **TO THE HONORABLE COURT:**

20 Defendant Checkmate.com, Inc. ("Checkmate") asks the Court to excuse oppositions that
21 were due August 29, 2025, under the Court's Standing Order. The request should be denied and
22 Plaintiff Arjun Vasan ("AV")'s motions deemed unopposed under C.D. Cal. L.R. 7-12 because
23 under Rule 6(b)(1)(B) and Pioneer, Checkmate (i) created concrete prejudice by using the three-
24 week lapse to press non-party discovery on its counterclaims, (ii) seeks a material twenty-day reset,
25 (iii) offers no reason outside its control despite three designated trial counsel and prior adherence to
26 the Standing Order, and (iv) exhibits email gamesmanship that undermines good faith. If the Court
27 permits late oppositions, it should condition leave to cure the prejudice caused by Checkmate's delay
28 and to prevent the use of non-party discovery to backfill a deficient pleading.

1 **I. The Standing Order Governs; L.R. 7-12 Applies**

2 The Standing Order requires oppositions 14 days after the motion is filed and expressly states
3 that a continuance does not alter the briefing schedule. Checkmate did not file by August 29 and did
4 not seek relief before the deadline. Notably Checkmate has, prior to this lapse, filed according to the
5 modified schedule. It is hard to believe that it “forgot”. Under L.R. 7-12, the failure to file a required
6 paper within the deadline “may be deemed consent” to the motion. The Court should enforce both
7 directives here and deem the motions unopposed.

8 **II. Checkmate has not shown “Excusable Neglect” under Pioneer**

9 The Pioneer factors — (1) prejudice to the non-movant, (2) length/impact of the delay, (3)
10 the reason and whether within control, and (4) good faith—all cut against relief on this record.

11 **A. Prejudice is Substantial and Concrete**

12 While the opposition clock ran (Aug. 25–29) and after it lapsed, Checkmate was actively
13 corresponding with Plaintiff and pressing counterclaim-related discovery, including broad non-party
14 subpoenas. That conduct leverages the missed deadline in an attempt to manufacture plausibility for
15 counterclaims it chose not to defend, burdening Plaintiff and third parties (including a subpoena for
16 an in-person deposition to Plaintiff’s 70-year-old father with health issues). This is not an abstract
17 timing complaint; it is real prejudice in cost, burden, and litigation leverage.

18 **B. Material Length of Delay**

19 Checkmate proposes to file on September 18—20 days late, disrupting the schedule that AV
20 followed, and further proposes even further delay by continuance. This is not a brief calendaring
21 slip; it is a three-week reset during which Checkmate continued discovery efforts.

22 **C. The Delay was within Counsel’s Control**

23 Checkmate offers shifting explanations: a mistaken reliance on L.R. 7-9 and a late-arising
24 family emergency (which occurred *after* the deadline had passed). But Checkmate repeatedly told
25 AV (and the Court) it had multiple trial counsel covering this case:

- 26 • July 24 email identifying Rebecca Makitalo, Ryan Keech, and Stacey Chiu as the attorneys
27 for case correspondence (Ex. A).

- 1 • During the Aug. 7 Rule 26(f) Conference, AV asked multiple times about the new lead
- 2 counsel, getting the same evasive answer. Ms. Makalito finally named Mr. Keech as the lead.
- 3 • After the call, however, Mr. Keech accused AV of gender bias for allegedly not believing a
- 4 “woman lawyer” could be the lead, and stated Ms. Makalito was the actual lead. Ex. B.
 - 5 ◦ Due to this baseless accusation, AV has requested that all the meetings be mutually
 - 6 recorded, which Checkmate refuses to consent to, and insists instead that AV must
 - 7 foot the bill for any court reporter if he wishes to document the meetings.
- 8 • The Aug. 14 Joint 26(f) Report states, however: “Trial counsel for Defendant will be Ryan Q.
- 9 Keech, Stacey Chiu, and Rebecca I. Makitalo.” (Dkt. 78 at 15, § O, ¶ 24)

10 Any one of these designated lawyers could have (i) filed a two-paragraph Rule 6(b) request
11 before August 29, (ii) sought a short stipulation, or (iii) alerted the Court. None did. Choosing a
12 conflicting Local Rule over the judge-specific Standing Order—and then doing nothing until well
13 after the miss—is not “neglect”; it is noncompliance by choice within counsel’s control.

14 *Capacity matters.* If a four-lawyer team can stack individual “personal emergencies” to
15 excuse a missed, judge-specific deadline while a single pro se litigant has only his own bandwidth,
16 the Pioneer calculus would systemically reward the better-resourced party. Rule 6(b) does not create
17 a “one-attorney exception” for multi-counsel litigants.

18 **D. Good Faith is Undermined by Sequence of Events and Email Gamesmanship**

19 Checkmate did not mention any emergency when it sought a stipulation; instead, it tried to
20 extract one by asserting that AV’s reply was “late” despite not filing anything to reply to. This was
21 yet another failure to actually read the Standing Order, which clearly states that a Reply is due seven
22 days after the Opposition. In a prior episode (the OSC for L.R. 7-3 failures), Checkmate similarly
23 offered a late-breaking personal-emergency explanation only at argument. AV does not wish to
24 question personal circumstances but suggests that the post-hoc Aug. 30 emergency here is not
25 relevant, as the other attorneys received the same message and none did anything. AV further notes
26 the only autoreply stated, “in trial” (not “out of office”), and came on Sept. 3, not Aug. 30. Ex F.

27 Moreover, Checkmate has repeatedly tried to script a record of “uncooperative” conduct by
28 engineering email threads. Representative tactics include (i) opening new threads mid-discussion so

1 later exhibits omit AV’s responses; (ii) refusing to provide a Word version of a joint filing, then
2 demanding one and threatening to “tell the Court” when AV returns the document in PDF (Aug. 14)
3 (Ex. C); (iii) imposing unilateral meet-and-confer demands while rejecting AV’s reasonable request
4 to combine topics and to record the conference given its past misrepresentations (Aug. 25–29) (Ex.
5 D); and (iv) rejecting any meeting that addressed AV’s concerns and brandishing Rule 37 while
6 threatening to bypass the Local Rule 37 joint-stipulation process (Sept. 10) (Ex. D).

7 Checkmate has thus far declined to discuss its subpoena to AV’s 70-year-old father, who has
8 objected to the overbroad document requests (including “all communications” with AV for nearly
9 three years, sweeping in personal, health related and other privileged documents). Checkmate has, to
10 date, insisted on an in-person deposition for a witness with significant health issues.

11 The complete threads of the emails cited to show AV’s “intransigence” reveal Checkmate’s
12 scheme. The pattern is not a good-faith effort to resolve disputes; it is a paper trail designed to paint
13 AV as uncooperative (or threaten such to achieve concessions, as it attempted here); this further
14 counsels against excusing Checkmate’s deliberate noncompliance with the Standing Order.

15 III. AV’s Conduct has been Diligent and Fair

16 AV has never missed a deadline. When additional time was needed earlier due to inpatient
17 medical care (July 9–Aug. 4, 2025), AV notified counsel and the Court well before any due date,
18 timely filed on August 6, noted the planned filings in the Aug. 14 Joint 26(f) Report (Dkt. 78, ¶ 13)
19 and then amended on August 15 as promised. Here, by contrast, Checkmate neither informed AV
20 nor sought relief before the lapse. Indeed, if AV had not informed Checkmate, it would have
21 presumably filed its untimely oppositions without seeking leave.

22 To minimize burden while allowing merits testing, AV also offered a fair stipulation:

- 23 (1) A freeze on counterclaim discovery, holding existing subpoenas in abeyance pending the
24 ruling on AV’s Motion to Dismiss.
- 25 (2) A prompt amendment within 7 days that (a) attaches any document containing the
26 statements Checkmate alleges AV made in full context; and (b) trims and particularizes
27 the forty-six affirmative defenses to a manageable number with supporting facts—upon

1 which AV would withdraw his motion to strike and timely file a new Motion to Dismiss
2 or Answer the counterclaims.

3 Checkmate has declined, confirming its aim to use discovery to backfill its pleading. This is
4 precisely why Twombly/Iqbal require the “doors of discovery” remain closed pending plausibility.

5 **IV. Their Authorities Don’t Help Them.**

6 The cases Checkmate cites (e.g., Ahanchian, Pincay, Bateman, and district-court exercises of
7 discretion) involve prompt pre-deadline requests or brief, credibly explained lapses without
8 prejudice to the non-movant. None condones ignoring a judge-specific order after notice, with
9 multiple counsel available, while leveraging the gap for discovery. None concerns a litigation that
10 has already been through several rounds of briefing. Keech, Chiu and Makitalo have all been on
11 Checkmate’s captions since the start of this dispute. Until now, Checkmate has adhered to the
12 Court’s schedule. It simply cannot be the case that Checkmate’s counsel forgot, conveniently. And
13 its assertion that denying leave “could be futile [read: fatal] to [their] claims and defenses” is legally
14 irrelevant: Pioneer asks why the deadline was missed and whether the equities justify forgiveness—
15 not whether enforcing the Court’s deadline harms the strategic priorities of a party who ignored it.

16 **V. Requested Disposition**

17 The Court should enforce its Standing Order and deem AV’s motions unopposed under L.R.
18 7-12; take them under submission or grant them. Alternatively, the Court may impose conditions that
19 prevent “fish-first, plead-later” tactics that unduly burden AV’s friends and family. With a freeze on
20 counterclaim-related discovery, AV too prefers the motions be decided on the merits.¹

22 /s/ *Arjun Vasan*

23 **Dated:** September 16, 2025

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Arjun Vasan, Plaintiff In Pro Per

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28 ¹ AV regrets burdening the court with the lengthy email exhibits, which are but a sample of the relevant threads, but has
no alternative way to demonstrate Checkmate’s email gamesmanship.